

RESULTS OF INVESTIGATION: The tablets in the bottles were repacked by the dealer from the bulk drums described above. Analysis showed that the tablets in the bottles contained approximately 30 percent of the labeled amount of Vitamin B₁₂.

LIBELED: 12-1-59, E. Dist. Mich.

CHARGE: Repacked tablets, 402(b)(1)—the valuable constituent, Vitamin B₁₂ had been in part omitted or abstracted from the article while held for sale; 403(a)—the label statement "Each spheroid contains concentrate equivalent in activity to 1 microgram of B₁₂" was false and misleading, and the label statement "The needs of B-6, Wheat Germ Oil and Calcium Pantothenate in human nutrition are not yet known, and the daily minimum requirement of Niacinamide is not yet established" was false and misleading since the need for vitamin B₆ in human nutrition has been established and the minimum daily requirement for niacinamide has been established, and since the statement implied that wheat germ oil has special dietary properties beyond those of foods, generally; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin content and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement of niacinamide supplied by a specified quantity of the food when consumed during the period of 1 day.

Tablets in bulk, 403(j)—when shipped, the article purported to be and was represented as a food for special dietary use by reason of its vitamin content and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement of vitamin A, vitamin D, vitamin B₁, vitamin B₂, vitamin C, and niacinamide supplied by such food when consumed in a specified quantity during a period of 1 day, and since the need for calcium pantothenate in human nutrition has not been established, the label also failed to bear the statement "The need for calcium pantothenate in human nutrition has not been established."

DISPOSITION: 3-29-60. Consent—claimed by North American Pharmacal and relabeled.

26450. Vitamin B Complex tablets. (F.D.C. No. 43951. S. No. 85-339 P.)

QUANTITY: 1 60,000-tablet drum at Edgewater, N.J., in possession of Excel Pharmacal Co.

SHIPPED: May 1959, from New York, N.Y.

LABEL IN PART: (Repacked btls.) "Excel 100 tablets Vitamin B Complex Thiamin Hydrochloride (Vit. B₁) 1 mg. Riboflavin (Vit. B₂) 2 mg. Niacin Amide 10 mg. Vitamin B₆ 0.25 mg. Pantothenic Acid 0.33 mg. Other B complex factors natural to yeast. Each tablet supplies the minimum daily requirements of Vit. B₁ and Vit. B₂. The minimum daily requirements for Niacin Amide, Pantothenic Acid, and Vitamin B₆ in human nutrition has not been established."

RESULTS OF INVESTIGATION: The tablets were to be repacked into 1,000-tablet bottles by the dealer and labeled as described above. Examination showed that the article contained approximately 70 percent of the declared amount of vitamin B₁.

LIBELED: 12-9-59, Dist. N.J.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article; 403(a)—the label

statement "Thiamin Hydrochloride (Vit. B₁) 1 mg." was false and misleading as applied to a product which contained less than the declared amount of vitamin B₁; and the label statement "The minimum daily requirement for Niacin Amide * * * in human nutrition has not been established" was false and misleading, since the minimum daily requirement for niacinamide in human nutrition has been established; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin content, and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for niacinamide supplied by such food when consumed in a specified quantity during a period of one day, and since the need in human nutrition for pantothenic acid has not been established, its label failed to bear the statement "The need for pantothenic acid in human nutrition has not been established."

DISPOSITION: 1-11-60. Default—delivered to a public institution.

INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 26401 TO 26450

PRODUCTS

	N.J. No.		N.J. No.
Apricot pulp	26427	Mix, pancake, blueberry	26416
Bakery products	¹ 26401-26404	Nuts	26436-26446
Bread	26402-26404	mixed	26444, 26445
Italian	¹ 26401	Oleomargarine	26409
pumpnickel	¹ 26401	Onions, in brine	26432
Butter	26417	Pancake mix, blueberry	26416
Carrots, canned	26430	Paprika	26448
Cauliflower, in brine	26431	Peanuts, shelled	26437, 26440
Cereals and cereal products	¹ 26401-26416	Spanish	26436
Cheese, cheddar	26418	unshelled	26440
Cornmeal	26411	Peas, split, dried	26440
Cranberries, fresh	26425	Pecans, shelled	26438
Cranberry sauce, jellied	26422, 26423	unshelled	26439
whole	26424	Pinto beans, dried	26409
Dairy products	26417, 26418	Pistachio nuts	26446
Eggs, frozen	26419, 26420	Pumpnickel bread	¹ 26401
incubator reject	26421	Rice	26408, 26410-26412
Filberts, unshelled	26443	Sesame seed	26407, 26447
Flour	26405-26409	Spices, flavors, and seasoning materials	26447, 26448
Fruits and vegetables	26422-26435	Strawberries, frozen	26426
fruit, canned	26422-26424	Vegetables. See Fruits and vegetables.	
fresh	26425	mixed, pickled	26433-26435
frozen	26426	Vitamin B Complex tablets	26450
miscellaneous fruit products	26427-26429	Vitamin, mineral, and other products of special dietary significance	26449, 26450
vegetables and vegetable products	26430-26435	Walnuts, shelled	26441, 26442
Grape pulp	26428, 26429	Wheat	26413-26415
Italian bread	¹ 26401		

¹ (26401) Prosecution contested. Contains opinion of the court.